

REMARKS

Claims 1-14 are pending in the application and are subject to requirement for restriction.

RESTRICTION REQUIREMENT

The Examiner has required restriction to one of the following inventions under 35 U.S.C.

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- I Claims 1-12, drawn to an olefin resin blend, classified in class 525, subclasses 191, 232, 240 and 241.
- II Claim 13, drawn to a coated electric wire, classified in class 428, subclass 500 and 515.
- III Claim 14, drawn to a process of coating an electric wire, classified in class 427, subclasses vary.

Moreover, the requirement asserts that the application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) thermoplastic styrene elastomer;
- (2) thermoplastic styrene elastomer denatured by acid component;
- (3) a mixture of said thermoplastic styrene elastomer and said thermoplastic styrene elastomer denatured by acid component, in which said styrene elastomer and said denatured styrene elastomer respectively account for about 5 to about 35 parts by mass in the total amount of 10 to 40 parts by mass;
- (4) rubber denatured by acid component;

- (5) polyolefin denatured by acid component; and
- (6) a mixture of polyolefin and said polyolefin denatured by acid component.

Currently, the Examiner considers claims 1, 13 and 14 to be generic.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group II, claim 13, and Species (2) thermoplastic styrene elastomer denatured by acid component, with traverse. Applicants respectfully submit that elected claim 13 is generic, and that elected claim 13 is readable on the elected species.

TRAVERSE

Notwithstanding the election of the claims of Group II , and Species (2) in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction and election of species

Initially, Applicants point out that the requirement for restriction omits one of the two criteria of a proper requirement as now established by U.S. Patent and Trademark Office policy, as set forth in MPEP 803 (Revision 8, May 1988), viz. that "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if a restriction were not required. Due to the aforementioned omission, it is respectfully submitted that the requirement for restriction is improper and, consequently, its withdrawal is respectfully requested.

Related to this, the requirement is traversed since there would not appear to be a serious burden to examine Applicants' application in total, and for which they have paid the appropriate claim fees. Applicants submit that it would be no serious burden on the Examiner to examine all of the pending claims, because a search for all of the claims in the above-identified application, should be made in order to do a complete and thorough search in view of the recognized relationship between the groups of invention.

More specifically, Applicants respectfully submit that the claims of Groups I and II are related as combination/subcombination, and cannot be restricted unless two way distinctness can be shown. In particular, the claims of Group I are directed to an olefinic resin composition, and the claims of Group II are directed to the combination of a wire coated with the olefinic resin composition.

The Examiner is reminded that where, as is the present situation, the combination/subcombination has the relationship of AB_{sp}/B_{sp} restriction is not proper. In this regard, the Examiner's attention is directed to MPEP 806.05(c), especially numbered paragraph II, wherein the criteria for restriction is set forth for combination/subcombination inventions.

With respect to the process of coating an electric wire as recited in Group III, Applicants respectfully submit that there should be no serious burden to search and examine this Group with the elected group.

Regarding the species requirement, Applicants also submit that there should be no serious burden in searching and examining each of the species recited in Applicants' claims.

Moreover, with respect to a serious burden, a search of each of the inventions would appear to be at least related, and should certainly overlap if not actually be coextensive. Accordingly, there would be no serious burden on the Examiner to examine all of the claims in this application. For this reason, and consistent with Office policy set forth in MPEP 803, Applicants respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application. In any event, the non-elected claims should be rejoined upon allowance of the elected claims.

CONCLUSION

For the reasons discussed above, it is respectfully submitted that the Examiner's requirement for restriction is improper and should be withdrawn.

Withdrawal of the requirement for the restriction with the examination of all claims pending in this application is respectfully requested.

Favorable consideration with early allowance of claims 1-14 is most earnestly requested.

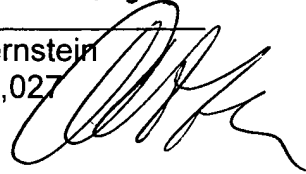
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If the Examiner has any questions, or wishes to discuss this matter, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
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A handwritten signature in black ink, appearing to be 'B. Bernstein', written over a horizontal line.

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